

STAFF ANALYSIS

PROJECT NUMBER

R2008-00142-(4)

CASE NUMBER

Conditional Use Permit Case No. 200800016-(4)

Coastal Development Permit Case No. 200800002-(4)

OVERVIEW OF PROPOSED PROJECT

The applicant, Del Rey Fuels, is requesting a Conditional Use Permit to authorize the sale of beer and wine for off-site consumption at an existing boaters' sundry shop that is accessory to an existing marine fuel dock. The applicant is also requesting a Coastal Development Permit to remove all existing landside improvements and replace them with a 1,400 square foot building that will contain emergency and safety equipment related to the fuel dock, public restroom facilities, boater showers and a dry storage area for transient boaters' use. The landside development will also include 13 uncovered parking spaces, hardscaping and landscaping, a waterfront promenade and two over-the-water viewing platforms.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at 13800 Bora Bora Way on the east side of the terminus of Bora Bora Way, in Marina del Rey and in the Playa Vista Zoned District.

Physical Features

The subject property is a rectangular shaped parcel with a total area of 0.72 acres or 31,407 square feet (14,744 square foot landside and 16,663 square foot waterside development). The boaters' sundry shop is in a 1,900 square foot single-story building that is located on the waterside portion of the property. The northern and eastern portions of the property contain a combined 1,481 lineal feet of dock area.

Project Services Availabilities

Access to the subject property is via a private driveway between Bora Bora Way and the project site. Bora Bora Way provides access to Via Marina which is an improved Secondary Highway. The subject property is also accessible by boat via the Marina del Rey main channel. The subject property is within an urbanized area with available public services.

ENTITLEMENTS REQUESTED

The applicant has requested a Conditional Use Permit to authorize the sale of beer and wine for off-site consumption at an existing boaters' sundry shop that is used accessory to the existing marine fuel dock.

The applicant has also requested a Coastal Development Permit to remove all existing landside improvements and replace them with new landside improvements that will include a 1,400 square foot, 19 foot tall, building that will be used accessory to the fuel dock's operation, a new waterfront promenade, and two over-the-water viewing platforms.

EXISTING ZONING

Subject Property

Zoning on the subject property is Marine Commercial

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Surrounding Properties

Surrounding zoning consists of:

North: Water and Residential III

South: Residential V

East: Water and Visitor-Serving Commercial/Convenience Commercial

West: Residential V

EXISTING LAND USES

Subject Property

The subject property is currently improved with a 940 square foot single-story building that is used accessory to the existing marine fuel dock and boaters' sundry shop. There are five existing parking spaces to serve the fuel dock. The waterside portion of the property contains a marine fueling station, 1,481 lineal feet of dock space, vessel pump-out stations, bait pens, a catch weigh station and a 1,900 square foot boaters' sundry shop. The sundry shop was authorized to sell beer and wine for off-site consumption; however the license was not renewed when the current operators of the fuel dock assumed control of it. This license expired on June 30, 2007

Surrounding Properties

Surrounding land uses consist of:

North: Water, Multifamily residential

South: Multifamily residential

East: Water, Visitor Serving/Convenience Commercial

West: Multifamily residential

Currently, no other establishments sell alcohol for off-site or on-site consumption within a 600' radius of the subject property. The nearest establishment that sells alcoholic beverages, a market/deli that is located in a nearby apartment complex, is approximately 1,040 feet away from the sundry shop.

There are no parks, churches, schools, playgrounds or other sensitive uses located within 600' of the existing boaters' sundry shop.

PREVIOUS CASES/ZONING HISTORY

Zone Exception Case 6301 was approved by the Regional Planning Commission on March 27, 1962 for a marine service station.

In July of 1989, Plot Plan No. 38215 was approved for a 72 square foot addition to the existing landside structure.

In April of 2001, Plot Plan No. 47351 was approved in concept for the replacement of a guiding concrete pile that had deteriorated over time.

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In October of 2007, Revised Exhibit "A" 6301/Approval in Concept RPP200701787 was approved for replacement of the fuel docks, pump-out station, bait pens, and 1,900 square foot, over-the-water retail kiosk.

MARINA DEL REY LOCAL COASTAL PROGRAM (LAND USE PLAN)**Land Use Designation**

The subject property is classified as "Marine Commercial" in the Marina del Rey Land Use Plan. Marine fuel sales and accessory retail are permitted uses in the, "Marine Commercial," Land Use Category.

The following Local Coastal Plan (LCP) policies are applicable to the proposed project:

Shoreline Access (Marina del Rey Land Use Plan (LUP) Chapter 1)

- **Public Access to Shoreline a Priority.** Maximum public access to and along the shoreline within the LCP area shall be a priority goal of this plan, balanced with the need for public safety, and protection of private property rights and sensitive habitat resources. This goal shall be achieved through the coordination and enhancement of the following components of a public access system: pedestrian access, public transit, water transit, parking, bikeways, circulation network, public views and directional signs and promotional information. (LUP Chapter 1, Policy 1)

The project provides public pedestrian access along all portions of the Parcel 1S bulkhead. The proposed landside improvements include a public pedestrian promenade along the parcel bulkhead and the addition of two "over-the-water" public view platforms totaling approximately 400 square feet at the top of each gangway. The applicant will also provide signage at the bulkhead entrance and at conspicuous locations along the length of the promenade identifying the access ways as public.

- Existing public access to the shoreline or water front shall be protected and maintained. All developments shall be required to provide public shoreline access consistent with policy 1. (LUP Chapter 1, Policy 2)

The project will enhance public pedestrian access to the water front by the addition of the proposed pedestrian promenade, water viewing platforms and directional signage. The applicant is also proposing to provide public restrooms.

- All development in the existing Marina shall be designed to improve access to and along the shoreline. All development adjacent to the bulkhead in the existing Marina shall provide pedestrian access ways, benches and rest areas along the bulkhead. (LUP Chapter 1, Policy 3)

The project improves access to and along the shoreline through the enhanced waterfront pedestrian promenade and two viewing platforms. The project will also provide benches, rest areas and directional signs along the promenade.

- All development in the existing Marina shall provide for public access from the first public road to

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the shoreline along all fire roads and across all dedicated open space areas consistent with the Shoreline Access Improvements, shown on Map 4. (LUP Chapter 1, Policy 3)

The project provides unimpeded public access to the shoreline via an improved waterfront promenade along the Parcel 1S bulkhead.

- Public awareness of shoreline access ways and public areas shall be promoted by the provision of appropriate signs, outdoor exhibits and brochures. All development in the existing Marina shall be required to incorporate the following informational features to improve the public's awareness of access opportunities and the coastal environment:
 - a. Outdoor maps indicating the location and type of public access ways and parks;
 - b. Identifying and directional signs;
 - c. As appropriate, facilities for brochures and other informational aides; and
 - d. Outdoor exhibits describing historical, biological and recreational aspects of the coastal environment, which should be coordinated and integrated with similar such exhibits which may be established in other areas of Playa Vista project. (LUP Chapter 1, Policy 13)

The project will incorporate signage to enhance public awareness of the public promenade, viewing platforms, and the new proposed water taxi stop.

- Public opportunities for viewing the Marina's scenic elements, particularly the small craft harbor water areas, shall be enhanced and preserved. (LUP Chapter 1, Policy 14)
 - a. All development on the waterfront side of Via Marina, Admiralty Way and Fiji Way shall provide windows to the water, wherever possible, while, at the same time, screening unsightly elements such as parking areas and trash receptacles with landscaping.
 - b. All development -- particularly visitor-serving commercial uses -- proposed adjacent to the main channel shall provide additional opportunities and vantage points to public viewing of boating activity.
 - c. All development, redevelopment or intensification on waterfront parcels shall provide an unobstructed view corridor of no less than 20 percent of the parcel's water front providing public views of the Marina boat basins and/or channels. (LUP Chapter 1, Policy 14)

The project has been designed to provide a view corridor over the southerly two-thirds of the parcel. The project also offers opportunities for the public to view the Marina from the proposed public promenade and viewing platforms.

Recreation and Visitor-Serving Facilities (Marina del Rey Land Use Plan Chapter 2)

- As defined by the Coastal Act and specified in the specific design guidelines fore each parcel in the Local Implementation Program, new development shall provide additional recreational opportunities including trails, bikeways (additions and/or extensions of existing bike path), open space/park areas and viewing areas as appropriate. Adequate support facilities (bike storage lockers, drinking fountains, etc.) shall be provided. (LUP Chapter 2, Policy 2)

The project provides additional recreational opportunities in the form of the enhanced pedestrian promenade and the “over-the-water” viewing platforms.

- Existing and proposed recreation and visitor-serving uses in the Marina, as shown on Map 5, Existing/Proposed Visitor-Serving Facilities, shall be protected. (LUP Chapter 2, Policy 3)

The public will have enhanced recreational opportunities in the Marina by way of the pedestrian promenade and new viewing platforms. In addition, improvements to the fuel dock will facilitate waterside recreational opportunities.

- Lower cost visitor-serving facilities shall be protected and, to the extent feasible, new lower cost visitor-serving uses shall be encouraged and provided within the existing Marina. (LUP Chapter 2, Policy 4)

The project includes low-cost recreational amenities in the form of the public pedestrian promenade and the “over-the-water” viewing platforms.

- All development, including redevelopment, expansion projects or new construction, shall be subject to the applicable parking requirements set forth in Los Angeles County Code, Title 22 (Zoning), as certified by the Commission in Appendix B of the Specific Plan. In addition, public recreation areas shall be supported with visible public parking consistent with the standards of Title 22, except that boat launch, boat storage, and marina parking and design shall be provided as specified in the Dept. of Beaches and Harbors' Specification and Minimum Standards of Architectural Treatment and Construction, adopted in 1989. (LUP Chapter 2, Policy 6)

The project proposes 13 parking spaces which is sufficient to meet the employee and boater parking needs for the project. The 1,900 square foot retail kiosk is required by code to have 8 parking spaces.

Recreational Boating (Marina del Rey Land Use Plan Chapter 3)

- **Recreational Boating a Top Priority.** Recreational boating shall be emphasized as a priority use throughout the planning and operation of the Marina. To help achieve this goal, the Plan shall strive to ensure that adequate support facilities and services are provided including but not limited to, the following: boat slips, fueling stations, boat repair yards, boat dry storage yards, launch ramps, boat charters, day-use rentals, equipment rentals and on-going maintenance of the marina harbor and entrance channel, bulkhead repair, pollution control, safety and rescue operations, and sufficient parking for boaters. Emphasis shall be given to providing water access for the small boat owner through provisions of public ramp facilities. (LUP Chapter 3, Policy 1)

The landside improvements proposed for this project are accessory to the existing fueling station. Boaters' restrooms, shower facilities, and parking are all included in this proposal.

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Land Use Plan (Marina del Rey Land Use Plan Chapter 8)

- Maintenance of the physical and economic viability of the marina a priority. Lessees shall be encouraged to replace structures and facilities which are physically or economically obsolete. (LUP Chapter 8, Policy 2)

The proposed project will replace an existing 900 square foot accessory building with a new 1,400 square foot building that will offer restrooms, showers and a storage area for boaters.

- **Design Control Board.** The Design Control Board, appointed by the Board of Supervisors, shall review all new development proposals, including renovations, for consistency with the Manual for Specifications and Minimum Standards of Architectural Treatment and Construction and the certified LCP, including the identity and accessibility of the Marina as a public boating and recreational facility, and shall recommend such modifications to the design as they deem appropriate.

Such review shall be completed prior to any application for development being submitted to the Department of Regional Planning for case processing.

The project has received conceptual design approval Marina del Rey Design Control Board. Design Control Board recommendation is attached (Attachment A)

Coastal Visual Resources (Marina del Rey Land Use Plan Chapter 9)

- Height Design Concept; **25 Foot Standard** – Applies to accessory structures on the Marina Beach area, public open space, some public parking lots, the fueling docks, the public boat ramp site, and ancillary commercial structures in the Boat Storage Land Use Area.

The proposed accessory structure, at 19 feet tall, will not exceed the height of the existing structure or 25 feet in height, whichever is lower.

SITE PLAN

General Description

The applicant's site plan depicts a 1,400 square foot, single-story, which is used accessory to the existing fuel dock. The building contains public restrooms and showers for the use of boaters and a general storage area for the sundry shop. The site plan also depicts 13 parking spaces, a 12' wide pedestrian promenade and two "over-the-water" viewing public viewing platforms.

Over-the-water, the site plan depicts 1,481 lineal feet of dock space, two fuel dispensers, two pumpout stations, and a 1,900 square foot sundry shop. The applicant is proposing fifteen percent of the sundry shop's shelf space dedicated to alcohol sales.

Proposed Operation

The applicant has indicated that the Fuel Dock will be operating seven (7) days a week from 7:00 a.m. to 6:00 p.m., during the summer (May to August) and from 7:00 a.m. to 5:00 p.m. during the winter. The fuel dock typically has three (3) employees working in two (2) shifts during the winter. However,

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during the May to August peak period, a maximum of eight (8) employees working in two (2) shifts may be working.

Compliance with Applicable Zoning Codes

Pursuant to Section 22.46.1450 of the County Code, establishments in the Marine Commercial Land Use Category are subject to the following development standards.

- Building height is limited to a maximum height of 45 feet except that dry stack storage uses may be allowed a maximum of 75 feet when allowed by the Site Specific Development Guidelines;
- Front, rear and side yard setbacks shall be a minimum of five feet, in addition to the required highway and promenade setbacks;
- View Corridors, public open space areas and/or access ways required in this Specific Plan may be designed and integrated with the required front, side and rear yard setbacks or located elsewhere on the property if the director finds that such design will enhance visual and physical access to the shoreline;

The proposed landside structure will not exceed the height of the existing landside structure, which is in compliance with the 45' maximum height limit of the Marine Commercial Land Use Category. Currently the site plan shows all of the setbacks being met except for on the south property line. The proposed storage lockers are encroaching into the side yard setback area. The recommended conditions will require the removal of the lockers from the proposed location. The site plan will be revised to relocate the storage lockers outside of the setback. With this revision, the proposed use is in compliance with the development standards.

Marine Commercial uses shall not reduce the amount of land area devoted to existing visitor-serving, boating or coastal-dependent marine commercial uses:

- A. With the exception of facilities located on Parcels 1, 54, 55, and 56 which shall be preserved on site, boating facilities may be relocated in conjunction with development so long as the same or larger boating facility is replaced within the Marina, and water and/or anchorage access necessary to allow the use to operated is preserved;
The applicant's proposal is located on Parcel 1, and the proposed development is an expansion of an existing use.
- B. Any project which relocates an existing coastal-dependent boating use, including but not limited to boat launching, boat storage, boater parking and access, shall be phased so that said use is replaced within the Marina before the development which displaces it may commence;
The proposed project is an expansion of the existing fuel dock. The development will not impede boaters' ability to obtain fuel.
- C. Visitor-serving uses shown on Map 5 of the LUP, Existing/Proposed Visitor Serving Facilities, shall be preserved or replaced on-site, as part of redevelopment;
A visitor serving use shown on Map 5 of the LUP is not located on the project site.

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- D. Other existing recreation, visitor-serving and marine commercial facilities not shown on Map 5 of the LUP may be relocated in conjunction with development as long as the use is replaced within the Marina before the development which displaces it may commence;
The proposed project does not involve the removal or relocation of any recreation, visitor-serving, or marine commercial use.
- E. Section 22.52.1100 of the Los Angeles County Code requires commercial establishments to provide 1 parking space for each 250 square feet of floor area.
County code requires 8 parking spaces for the 1,900 square foot retail building. The applicant is proposing to provide 13 parking spaces.

BURDENS OF PROOF (CUP)

Burden of Proof per Code

Pursuant to Los Angeles County Code Section 22.56.040 the applicant must meet the burden of proof requirements.

1. That the requested use at the location proposed will not:
 - A. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - B. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - C. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
2. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
3. That the proposed site is adequately served:
 - A. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - B. By other public or private service facilities as are required.

Additional Findings per Code

Pursuant to Los Angeles County Code Section 22.56.195, the applicant must meet the Burden of Proof requirements for the off-site sale of a full line of alcoholic beverages.

1. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600 foot radius.
2. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within 500 feet of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than 5 percent of the total shelf space in the establishment.

4. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
5. That the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

Applicant's Burden of Proof Responses

Applicant's responses attached (**Attachment B**). Staff is of the opinion that the applicant has sufficiently addressed Burden of Proof issues in a fashion that substantiates the findings required by Section 22.56.195(B) of the County Code.

Section 22.56.195 (B) Findings for the Sale of Alcoholic Beverages

Pursuant to County Code, the following findings must be made for the approval of alcoholic beverages.

1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
There are no schools, parks, playgrounds, places used exclusively for religious worship or other similar uses within 600' of the fuel dock.
2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
The boaters' sundry shop is located approximately 200' from the nearest residential apartments. They are separated by a parking lot and will be further buffered by the proposed 1,400 square foot building which is to be used accessory to the boaters' sundry shop.
3. The requested use at the proposed location will not result in an undue concentration of similar premises.
According to the California Alcoholic Beverage Control (ABC), there are six (6) other establishments within the subject property's census tract which sell alcoholic beverages for off-site consumption. There are twenty-seven (27) businesses that sell alcohol for on-site consumption. The maximum number of licenses permitted within the census tract is thirteen (13). Seven (7) of those licenses are intended for on-site consumption and six (6) are for off-site use. (Attachment C) ABC has noted that the subject property is located in a high crime area and considers this area to have an over-concentration of alcoholic beverage licenses. While there is an undue concentration of premises that sell alcohol within the subject property's census tract, there are no other businesses that sell alcohol within 500' of the fuel dock. The sale of beer and wine at the fuel dock could be considered a public convenience for boaters and others in the Marina.
4. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
The addition of the sale of beer and wine at a fuel dock for off-site consumption would not impact the economic welfare of the nearby community. Beer and wine will be sold during the regular operating hours of the fuel dock and the site has previously been used for the sale of beer and wine without any apparent affects on the nearby community.

5. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

The exterior appearance of the structure was approved by the Marina del Rey Design Control Board.

BURDENS OF PROOF (CDP)

Pursuant to 22.56.2410 of the Los Angeles County Code, the applicant must meet the burden of proof requirements for a Coastal Development Permit.

1. That the proposed development is in conformity with the certified local coastal program.

The proposed building will be used in conjunction with the existing marine fuel dock and its accessory sundry shop which are a permitted uses per 22.46.1430 of the Marina del Rey Specific Plan.

2. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. (California Coastal Act (CCA) Section 3010)

The project proposes to have a pedestrian promenade, viewing platforms, and retail sales oriented towards water recreation. In addition, the applicant will post signs informing the public of the pedestrian promenade.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. (CCA Section 30211)

The proposed pedestrian promenade and viewing platforms will enhance the public's access to the water.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. (CCA Section 30213)

The proposed landside developments provide lower cost visitor and recreational opportunities.

Applicant's Burden of Proof Responses

Applicant's responses attached (**Attachment D**). Staff is of the opinion that the applicant has sufficiently addressed Burden of Proof issues in a fashion that substantiates the findings required by Section 22.56.2410 of the County Code.

ENVIRONMENTAL DOCUMENTATION

An Initial Study was prepared for this project in compliance with the environmental guidelines and reporting procedures of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment.

The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental determination under California Environmental Quality Act (CEQA) reporting requirements.

COUNTY DEPARTMENT COMMENTS

Los Angeles County Sheriff's Department

Marina del Rey Station

On April 14, 2008, Staff contacted a representative of the Marina del Rey Sheriff's Station regarding the request. The representative had no concerns over the proposal to sell beer and wine for off-site consumption at the subject property.

OTHER AGENCY COMMENTS

Alcoholic Beverage Control (ABC)

Staff contacted the Inglewood District Office of the ABC regarding the subject property. The subject property is located within an area where there is an over-concentration of alcoholic beverage licenses and a higher than average crime rate as defined in Rule 61.3, Chapter I, Title 4, of the California Administrative Code. A report submitted from the ABC stated that the fuel dock's Census Tract (7029.01) is permitted to have 7 on-site licenses and 6 off-site licenses. Currently, there are 27 on-site licenses and six off-site licenses within the Census Tract. The report further stated that the fuel dock's Los Angeles Sheriff's Department Reporting District (2761) reported 200 offenses. A number of 180.89 or higher is considered a High Crime area.

The Department of Alcoholic Beverages is required to deny the request unless the applicant can provide a letter issued by the Governing Body (County of Los Angeles Planning Department) stating that a public convenience or necessity will be served by the issuance of another license in the area.

PUBLIC COMMENTS

Staff received one telephone call, from a local resident, in opposition to the proposed Conditional Use Permit. The resident stated that noise is the primary concern and that selling of beer and wine at the facility would intensify the problem.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

Hearing notices were mailed to 1,794 residents within a 500-foot radius of the subject property and other interested parties on April 9, 2008. Case materials and the environmental document were mailed to Lloyd Taber Marina del Rey County Library on April 10, 2008. Advertisements were published in the Argonaut and in *La Opinion* on April 10, 2008. According to the applicant, public hearing notices were posted at the project site on April 11, 2008.

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STAFF EVALUATION

Issues

Pursuant to Section 22.46.1440, Title 22 of the County Code (Zoning Ordinance) a fuel dock with accessory retail and the sale of beer and wine for off-site consumption is permissible in the Marine Commercial Land Use Category of the Marina del Rey Specific Plan, provided that a Conditional Use Permit has first been obtained. The subject property is flanked by existing residential developments to the west and south and water to the north and east. A parking lot and the fuel dock's/sundry shop's accessory building separate the sundry shop from the residential uses from the south and west and water separates it from residential uses to the north. Staff found no evidence of violations relating to the fuel dock's previous sales of beer and wine. There appears to be adequate buffering in place to minimize impacts to surrounding sensitive uses.

The serving of beer and wine would be incidental to the operation of the fuel dock. It does not appear that an additional establishment authorized to sell alcoholic beverages would adversely affect nearby community as the facility has similar operating hours as other establishments and has sold beer and wine in the past without violation. The welfare of the surrounding neighborhood will also be ensured by limitations imposed by ABC, and the CUP conditions.

If approved, staff recommends a ten (10) year term for the requested Conditional Use Permit. This is based on the need to reevaluate the compatibility of the project with the surrounding community. Staff also recommends that the project be inspected annually for compliance with the final conditions of approval.

FEES/DEPOSITS

If approved as recommended by staff, the following will apply:

Zoning Enforcement:

1. Cost recovery deposit of \$1,500.00 to cover the costs of the ten (10) recommended annual zoning enforcement inspections. Additional funds would be required if violations are found on the property.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Conditional Use Permit number 200800016-(4) and Coastal Development Permit number 200800002-(4), subject to the attached conditions.

SUGGESTED MOTIONS

I move that the public hearing be closed and that the Regional Planning Commission approve Conditional Use Permit No. 200800016-(4) and Coastal Development Permit No. 200800002-(4) with findings and conditions; and adopt the associated environmental determination.

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Report prepared by Michael Tripp, Principal Regional Planning Assistant
Reviewed by Samuel Dea, Section Head of Special Projects

Attachments:

Copy of Thomas Brothers Map
Burden of Proof /Burden of Proof Addendum
Draft Conditions
Photographs
Land Use Map
Site Plan/Floor Plan

SD:MRT